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**BEFORE THE ARIZONA CORPORATION COMMISSION**

Arizona Corporation Commission

**COMMISSIONERS**

**DOCKETED**

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AZ CORP COMMISSION  
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IN THE MATTER OF THE APPLICATION OF  
DIGITAL TRANSPORTATION CORPORATION  
FOR A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE PRIVATE LINE  
TELECOMMUNICATIONS SERVICES IN  
ARIZONA.

DOCKET NO. T-20937A-15-0290

**PROCEDURAL ORDER**  
**(Granting Request to Appear**  
**Telephonically)**

**BY THE COMMISSION:**

On August 14, 2015, Digital Transportation Corporation (“DTC” or “Company”) filed with the Arizona Corporation Commission (“Commission”) an application for a Certificate of Convenience and Necessity (“CC&N”) to provide private line telecommunications services in the State of Arizona.

On August 31, 2015, DTC filed a copy of the California Public Utilities Commission order granting DTC a Certificate of Public Convenience and Necessity in California.

Also on that date, DTC filed a Notice of Errata to correct the Company’s name on page 1 of its application.

On September 11, 2015, the Commission’s Utilities Division (“Staff”) filed an Insufficiency Letter.

On November 13, 2015, DTC filed a request for an extension of time until December 10, 2015, to file its Certificate of Good Standing.

On December 22, 2015, DTC filed its Certificate of Good Standing.

On January 21, 2016, Staff filed a Sufficiency Letter stating that DTC’s application for a CC&N had met the sufficiency requirements as outlined in the Arizona Administrative Code (“A.A.C.”).

On January 26, 2016, a Procedural Order was issued setting the date for hearing on April 11, 2016, and establishing other procedural deadlines.

On February 17, 2016, DTC filed Responses to Staff’s First Set of Data Requests.

1 On February 26, 2016, DTC filed its Notice of Filing Affidavit of Publication indicating that  
2 notice of the amended application and hearing date had been published in *The Arizona Republic*, a  
3 newspaper of general circulation in Arizona.

4 On March 7, 2016, a Notice to the Parties was filed by the Administrative Law Judge ("ALJ")  
5 assigned to the matter.

6 On March 14, 2016, Staff filed a Staff Report recommending approval of DTC's application,  
7 subject to certain conditions.

8 On March 15, 2016, DTC filed a Motion to Allow Telephonic Testimony ("Motion") for the  
9 April 11, 2016, hearing, stating its witness, Steven Kasower, lives out of state and a personal  
10 appearance by Mr. Kasower would necessitate significant travel time for what is generally a brief  
11 hearing.

12 Accordingly, DTC's Motion should be granted.

13 IT IS THEREFORE ORDERED that DTC's witness, Mr. Kasower, is hereby authorized to  
14 appear telephonically for the April 11, 2016, hearing.

15 IT IS FURTHER ORDERED that DTC shall arrange for Mr. Kasower to be available by  
16 telephone at the appropriate time during the evidentiary hearing on April 11, 2016, and for Mr. Kasower  
17 to call in to the Commission's Hearing Room No. 1 at the appropriate time, using a landline,<sup>1</sup> the  
18 telephone number 1 (800) 689-9374, and participant passcode 415962#.

19 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
20 Communications) applies to this proceeding as the matter is now set for public hearing, and shall remain  
21 in effect until the Commission's Decision in this matter is final and non-appealable.

22 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
23 31, 38, 39, and 42 and A.R.S. §40-243 with respect to the practice of law and admission *pro hac vice*.

24 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
25 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
26 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at  
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28 <sup>1</sup> Mobile telephones do not provide adequate audio quality to permit the verbatim transcription of witness testimony.

all hearings, procedural conferences, Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or Commission.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 10<sup>th</sup> day of March, 2016.


  
SASHA PATERNOSTER  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 18<sup>th</sup> day of March, 2016 to:

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